

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION**

Eugene Turner, Jr.,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 6:20-cv-1267-TMC
v.	)	
	)	<b>ORDER</b>
Cody Mitchell, Kris Hodge, and	)	
W. Walter Wilkins,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff Eugene Turner, Jr, proceeding *pro se* and *in forma pauperis*, filed this action pursuant to 42 U.S.C. § 1983, alleging Defendants abridged his rights under the Fourth, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution. (ECF No. 17 at 3). In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2), D.S.C., all pre-trial proceedings were referred to a magistrate judge. On May 28, 2020, the magistrate judge issued a Report and Recommendation (“Report”) recommending that the court dismiss the action pursuant to 28 U.S.C. § 1915 and 28 U.S.C. § 1915A without issuance and service of process. (ECF No. 20 at 11). The Report further recommends that the court not grant Plaintiff leave to amend his pleadings because any attempt to cure the deficiencies in the amended complaint would be futile. *Id.* at 20 n.11. Plaintiff was advised of his right to file objections to the Report. (ECF No. 20 at 12). However, Plaintiff has not filed any objections to the Report, and the time for doing so has expired.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a

timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Furthermore, failure to file specific written objections to the Report results in a party’s waiver of the right to appeal the district court’s judgment based upon that recommendation. *See* 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

After a thorough review of the Report and the record in this case, the court **ADOPTS** the magistrate judge’s Report (ECF No. 20) and incorporates it herein. Accordingly, the court hereby **DISMISSES** this action pursuant to 28 U.S.C. § 1915 and 28 U.S.C. § 1915A without issuance and service of process and without leave to amend.

**IT IS SO ORDERED.**

s/Timothy M. Cain  
United States District Judge

Anderson, South Carolina  
September 4, 2020

#### **NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.